

REMARKS

Applicant requests reconsideration of this application in view of the following remarks and accompanying amendments. Claims 1, 2, 4-9, and 12 were pending. Applicant amends claims 1, 2, 4, and 5 herein. As a result, claims 1, 2, 4-9 and 12 remain pending in the instant application.

Claim Rejections - 35 U.S.C. § 103

Claims 4 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyakawa (U.S. 6,051,150) (*Miyakawa*, hereinafter) in view of Kurihara et al. (U.S. 5,368,897) (*Kurihara*, hereinafter) and Babayan et al. (U.S. 2002/0129902) (*Babayan*, hereinafter) and Mori et al. (U.S. Pub. No.: 2003/0049876) (*Mori*, hereinafter). Claims 1 and 9 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Miyakawa*, *Kurihara*, *Babayan*, *Mori*, and Seki (JP 11-340129). Additionally, claims 5, 7-8, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Miyakawa* in view of *Kurihara*, *Babayan*, *Mori*, and Inoue (JP 07-024579) (*Inoue*, hereinafter). Further, claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Miyakawa* in view of *Kurihara* and *Babayan* and further in view of Seki (JP 11-340129) (*Seki*, hereinafter). Applicant respectfully traverses the rejections for at least the above-stated reasons.

Independent claims 1, 2, 4, and 5, and the claims dependent therefrom, are distinguishable over *Miyakawa*, *Kuihara*, *Babayan*, *Mori*, *Inoue*, and *Seki*, taken either alone or in combination, since these references fail to disclose, teach, or suggest each and every feature recited in the pending claims. For example, independent claims 1, 2, 4, and 5 are directed to a manufacturing method of a display device including, *inter alia*, the feature:

...”after switching the first reactive gas to a second reactive gas, **partially ashing the resist mask by discharging a plasma to the plasma treatment chamber from the plasma treatment means in the plasma treatment chamber** at the pressure of 5 to 800 Torr from the second reactive gas introduced to the plasma treatment means...” (Emphasis added)

It is Applicant’s contention that neither *Miyakawa*, *Kuihara*, *Babayan*, *Mori*, *Inoue*, nor *Seki*, taken either singly or in any proper combination, anticipate or render obvious at least the above-identified feature in independent claims 1, 2, 4, and 5.

At paragraph 2 and 3 of the Office Action, the Examiner purports that paragraphs [0012] and [0013] *Mori* teaches that it was well known in the art of plasma etching art to have removed a resist by ashing under normal pressure. However, paragraph [0013] actually states “[a]shing to remove the resist and halogen remaining after etching employs plasma generated from O₂ by ICP or microwave or employs O₂ generated under normal pressure.” However, it appears that *Mori*, neither implicitly or explicitly, teaches the currently recited feature that “the ashing is employed by plasma treatment under normal pressure.” Additionally, Applicant asserts that one of ordinary skill in the art would not have looked to *Mori* for teaching this feature in arriving at the presently claimed invention. Moreover, Applicants contend that neither *Miyakawa*, *Kuihara*, *Babayan*, *Inoue*, nor *Seki* remedy the failure in *Mori*.

In accordance with the M.P.E.P. § 2143.03, to establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. “All words in a claim must be considered in judging the patentability of that claim against the prior art.”¹ Therefore, it is respectfully submitted that neither *Miyakawa*, *Kuihara*, *Babayan*, *Mori*, *Inoue*, nor *Seki*, taken alone or in any proper combination, discloses or suggests the subject matter as recited in claims 1, 2, 4, and 5. Hence, withdrawal of the rejection is respectfully requested.

Each of the dependent claims depend from one of independent claims 1, 2, 4, 5 are patentable over the cited prior art for at least the same reasons as set forth above with respect to claims 1, 2, 4, and 5. In addition, each of the dependent claims also recites combinations that are separately patentable.

Claim Rejections – Double Patenting

Claims 4 and 6 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5, 10, 15, 19, and 23 of U.S. Patent No. 7,189,653 in view of *Kurihara* and *Babayan*. Claims 1 and 9 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5, 10, 15, 19, and 23 of U.S. Patent No. 7,189,653 in view of *Kurihara*, *Babayan*, and *Seki*. Claims 5, 7-8, and 12 stands rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5, 10, 15, 19, and 23 of U.S. Patent No. 7,189,653 in view

¹ *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 196 (CCPA 1970).

of *Kurihara, Babayan, and Inoue*. Claim 2 stands rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5, 10, 15, 19, and 23 of U.S. Patent No. 7,189,653 in view of *Kurihara, Babayan, Seki, and Inoue*. Applicant respectfully traverses the rejections for at least the following reasons.

The amendment to independent claims 1, 2, 4, and 5 obviate any perceived double patenting that was noted by the Examiner. Accordingly, Applicant respectfully requests the withdrawal of this rejection.

In discussing the specification, claims, and drawings in this response, it is to be understood that Applicants in no way intend to limit the scope of the claims to any exemplary embodiments described in the specification and/or shown in the drawings. Rather, Applicants is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 19-2380. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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